

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of X. J. X. WHITE, Minor.

UNPUBLISHED
October 22, 2013

No. 315004
Wayne Circuit Court
Family Division
LC No. 11-504392-NA

Before: SAAD, P.J., and SAWYER and JANSEN, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated her parental rights to a minor child pursuant to MCL 712A.19b(3)(a)(i), (c)(i), (ii), (g), and (j). For the reasons set forth below, we affirm.

Respondent maintains that petitioner failed to establish any statutory ground for termination of her parental rights. "To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been proved by clear and convincing evidence." *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011). This Court reviews a trial court's factual findings for clear error. *In re Rood*, 483 Mich 73, 90-91; 763 NW2d 587 (2009). "A finding is clearly erroneous where the reviewing court has a definite and firm conviction that a mistake has been made." *Matter of Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). Because a court must find only one ground for termination, this Court need not address every ground cited by the trial court.¹

We affirm the trial court's decision because we hold that petitioner clearly established grounds for termination pursuant to MCL 712A.19b(3)(g) and MCL 712A.19b(3)(j). MCL 712A.19b(3)(g) requires proof that "[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." MCL 712A.19b(3)(j) requires proof that "[t]here is a reasonable likelihood, based on the conduct or

¹ The parties agree that the trial court erred when it ruled that respondent's parental rights should be terminated pursuant to MCL 712A.19b(3)(a)(i) but, as noted, termination is appropriate when one ground for termination is established by clear and convincing evidence. *In re Ellis*, 294 Mich App at 32.

capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

At birth, the child remained hospitalized for six weeks because of prenatal exposure to heroin, other opiates, and methadone. Thus, from the beginning of the child's life, respondent has not provided proper care and custody. The child was removed from respondent's custody just one day after he was released from the hospital. Respondent did not attend several hearings, including the hearing at which the court granted petitioner's request to remove the child from her custody. She later admitted to using heroin and opiates while pregnant, and she admitted that she continued to use drugs after the child was born. These facts show that respondent neglected the needs of her child, including his wellbeing, because of her own drug addiction. Because she has yet to complete a drug rehabilitation program or parenting classes, her inability to provide proper care cannot be rectified within a reasonable time and there is a significant risk of harm if the child is returned to the care of respondent. Thus, the trial court correctly terminated respondent's parental rights pursuant to MCL 712A.19b(3)(g) and MCL 712A.19b(3)(j).

Respondent also contends that termination was not in the child's best interests. "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712.19b(5). "[W]hether the termination of parental rights is in the best interests of the child must be proved by a preponderance of the evidence." *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). We review for clear error the trial court's decision regarding the best interests of the child. *In re Trejo*, 462 Mich 341, 356–357; 612 NW2d 407 (2000).

"In deciding whether termination is in the child's best interests, the court may consider the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality" *In re Olive/Metts, Minors*, 301 Mich App 35, 41–42; 823 NW2d 144 (2012) (internal citations and quotations omitted). This Court may also consider the love, affection, and other emotional ties existing between the parent and child. MCL 722.23(a).

Out of 45 scheduled visits, respondent visited the child only six times, and went months without any contact with her son. Respondent's nearly complete absence from the child's life demonstrates that she did not establish love, affection, or emotional ties with him. A DHS employee, Joseph Emerenini, reported that the child is doing well in the aunt's home and that the child has no bond with respondent. Mr. Emerenini also testified that the child had to be comforted by his aunt² when respondent visited. It is in the child's best interests to live in a stable environment, where he has lived since he was an infant. Moreover, though respondent once again enrolled in a drug rehabilitation program, she has not completed any program, and has shown no progress in overcoming her addictions. The trial court correctly ruled that termination of respondent's parental rights is in the best interests of the child.

² Not only has the child's aunt provided a safe and secure home for this child, she has also indicated an interest in adopting him.

Affirmed.

/s/ Henry William Saad

/s/ David H. Sawyer

/s/ Kathleen Jansen